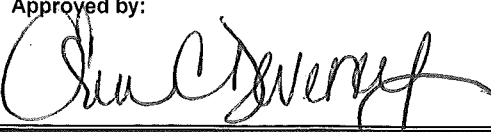


DCF	COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES	
	Policy Name: Background Records Check Policy	
	Policy #: 86-014	Approved by:
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BACKGROUND RECORDS CHECK POLICY

The Department of Children and Families is committed to conducting the best possible evaluation of a parent and/or other caretaker's current fitness and ability to care for a child and of current and prospective foster and pre-adoptive parents' ability to provide temporary or permanent care for a child/young adult.

Important sources of information to be used during these evaluations are obtained by completing background checks of child welfare history (found in the Department's statewide automated child welfare information system (SACWIS) called "FamilyNet" or "i-FamilyNet" and comparable systems of other states), CORI (Criminal Offender Record Information—found in records maintained by the Department of Criminal Justice Information Services (DCJIS) and comparable systems of other states or the Federal Bureau of Investigations) and SORI (Sex Offender Registry Information found in records maintained by the Sex Offender Registry Board). Each contains highly pertinent information which can be used to assist Department staff in completing an evaluation. The Criminal Justice Information Services and specific state statutes and Department regulations allow access to this information in accordance with the following policy and procedures. [See MGL c. 6, § 172 (c) and 172 B; MGL c. 6 § 178; MGL c. 119, § 51B; 110 CMR 4.38 (1) and (2); 110 CMR 7.104 (2) and (3); 110 CMR 18.00; 803 CMR 4.01] Directors of Areas are responsible for establishing procedures with the local law enforcement authorities of their respective catchment areas to facilitate access to offense and incident information available only on the local level.

NOTE: During the revision of this policy, the Department is migrating its SACWIS system to a web-based system called i-FamilyNet. For the purpose of this policy, the term "FamilyNet" will refer to either FamilyNet or i-FamilyNet, depending on the migration of the functionality.

I. Definitions

For the purposes of this policy, the following definitions are used:

- **Adult** - Any individual age 18 years or older.
- **Background Records Check (BRC)** – Information obtained by searching an individual's Department history, CORI and/or SORI.
- **Department Background Records Check Unit** – a unit within the Department's Central Office which conducts the BRC for Family Resource applications, license studies, limited and annual reevaluations, processes fingerprint results received from the state police and conducts the CORI and SORI checks for intake, response, family assessment and case management and conducts a BRC when otherwise requested.
- **Department History** – Information from the Department's FamilyNet statewide automated child welfare information system (including the Record Center Index for archived records) indicating that an individual is or has been involved with the Department and comparable information from other states, US military bases, US territories or Indian reservations. Among other information, FamilyNet identifies persons listed in the following 2 registries:
 - **Central Registry** - A registry, maintained by the Department pursuant to MGL c. 119, § 51F, containing identifying information on those children reported to the Department pursuant to MGL c. 119, § 51A. The registry also includes identifying information regarding the reported children's parents and other family members and the outcome of any investigation which resulted from such a report, including the name of any individual(s) identified as responsible for the child abuse or neglect or any individual listed on the Registry of Alleged Perpetrators.
 - **Registry of Alleged Perpetrators** - A registry, maintained by the Department pursuant to 110 CMR 4.36. The criteria for being listed in this registry are:

- **As of September 9, 1993:** The individual was identified by substantial evidence as responsible for the abuse and/or neglect in an investigation conducted pursuant to MGL c. 119, § 51B, in which the 51A report was supported and referred to the District Attorney.
- **Prior to September 9, 1993:** Following the support of a 51A report, (1) the individual was alleged to be responsible for the supported abuse or neglect and there was no available information to definitely indicate otherwise, and (2) the allegation(s) with regard to the individual should be further considered during case management, or the allegation(s) cause protective concerns about the individual as a caretaker. *Please NOTE: No referral to the District Attorney was required.*

- **CORI (Criminal Offender Record Information)** – Records and data (including conviction, arraignment and sealed record data, and juvenile arraignment, arrest and conviction data) in any communicable form compiled by a criminal justice agency which concerns an individual and relates to the nature or disposition of a criminal charge, an arraignment, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.

CORI includes information regulated by the Criminal Justice Information Services regarding the criminal histories of persons within the Massachusetts Court system.

- **SORI (Sex Offender Registry Information)** – Information and classifications maintained by the Massachusetts Sex Offender Registry Board regarding persons who have been convicted or adjudicated of a sexual offense. SORI includes the type of sex offense(s) committed, the date(s) of conviction, the sex offender's home and work/school addresses, and identifying information about the sex offender, such as age, height, and weight.
- **Household Member** – Any individual, regardless of age, who resides in the home, who moves into the home with the intent to make it their residence, or who is temporarily visiting for more than 30 calendar days. Children/young adults in DCF care or custody are not considered household members of the foster/pre-adoptive home for the purpose of this policy.
- **Frequent Visitor** – Any individual who does not live in but spends substantial time in the home, regardless of the reason or purpose of their visitation. Such visitors may include, but are not limited to: non-custodial parent(s); relatives; significant others; baby-sitters; caregivers; and other individuals who perform a caregiving role for **any** child in that home.
- **Kinship Placement** – The placement of a child who is in Department care or custody, with a person(s) related either by blood, marriage or adoption (i.e., adult sibling, grandparent, aunt, uncle, first cousin) or a significant other adult to whom a child and/or the child's parent(s) ascribe the role of family based on cultural and affectional ties or individual family values.
- **Child-Specific Placement** – A non-kinship individual(s) identified and licensed as a placement for a particular child (e.g., school teacher comes forward; child recommends friend's parent).
- **Prequalification** – The process of conducting background records checks to obtain information regarding the Department history, Massachusetts CORIs and SORI of household members and frequent visitors of potential foster/pre-adoptive families and of recording outcomes of the determinations regarding the family's eligibility to provide foster/adoption services. Such background records checks are routinely conducted on household members and frequent visitors age 15 years or older during Initial Eligibility Screening. Such checks may also be conducted on younger household members about whom concerns exist and during Limited Reassessments.
- **Open Department Case** – A case assigned (or awaiting assignment) following a supported 51B investigation, a concern following a 51B initial assessment, acceptance of a Voluntary Application for Services or acceptance of court-ordered custody.
- **CORI Liaison** – The individual designated in the Area or Regional Office to receive information from the Central Office **Background Record Check Unit**; assist staff in accessing, interpreting and making decisions based on the information; and store printed CORI records.
- **Hosting Regional/Area Office/Director** – The Regional/Area Office/Director responsible for the foster/pre-adoptive family applicant or licensed foster/pre-adoptive family. This is normally determined by the geographic location of the home.
- **Placing Regional/Area Office/Director** – The Regional/Area Office/Director responsible for a case in which a child is in need of placement.

II. Policy

Department history, CORI and SORI data is evaluated on a case by case basis and, like all other personal information, is confidential. The Department exercises great caution in safeguarding this information. (See Appendix C, "Guidelines for Secure Management of CORI Data") The Department also recognizes that CORI data, in particular, reflects societal forces that may have resulted in disproportional representation of certain groups among those who have findings, and the consequent need to exercise caution when reviewing findings for specific individuals. The following chart summarizes the purposes for which Department history, CORI and/or SORI checks are conducted:

Reasons for Conducting Department History, CORI and SORI Checks	
For Prospective and Current Department Consumers during Intake (including Protective Screening and any 51B Response), Family Assessment and Case Management	<p>To determine whether a child or family has been previously involved with the Department and if so, how, so that the information can be considered during service/action planning and decision-making.</p> <p>To determine if a caretaker, potential caretaker, household member or frequent visitor has engaged in behavior which may place a child at risk of abuse or neglect.</p> <p>To determine if a child in Department care or custody has criminal offense or Department history which needs to be considered during service/action planning, especially when placement of the child is being considered.</p>
For Prospective Foster and Pre-Adoptive Families during the Initial Eligibility Screening Process	<p>To determine whether or not the individual who is interested in becoming a Department foster/pre-adoptive family and the members of her/his household age 15 years and older (and those younger household members about whom concerns exist) and other frequent visitors to the home meet Department BRC standards for eligibility to apply and are "prequalified" on that basis.</p>
For Prospective Foster and Pre-Adoptive Family Applicants during the Initial License Study	<p>To determine, as a part of the License Study, whether the applicant and the members of her/his household age 15 years and older (and those younger household members about whom concerns exist) and other frequent visitors to the home meet Department BRC standards for being a Department licensed foster/pre-adoptive home.</p>
For Current Foster and Pre-Adoptive Families during Any Reassessment/License Renewal Study (including a Limited Reassessment)	<p>To determine whether the household continues to meet the BRC standards for being licensed as a Department foster/pre-adoptive home.</p>

A. During Intake (Including Protective Screening and Response), Family Assessment and Case Management

The individual whose background records are being checked does not have to be informed that the Department is completing the checks nor does she/he have to consent to the checks being completed or sign a release of information. The primary consideration in determining whether or not to inform the individual prior to completing a background records check is the safety of the child, family members and Department staff; other factors that may also be considered include but are not limited to: time frames; establishing an effective relationship with the child and family; service planning.

1. Department History Checks

While the Department completes Department history checks whenever needed to guide decision-making and maintain continuity in the work with families and children, it is Department policy that **Department history checks are REQUIRED to be completed**, at a minimum, in the following situations:

- During Intake (including the Screening of or Response to a 51A report), on the child who is being reported or referred or on whose behalf Department services are being sought, all other individuals residing in the child's household and any caretaker living outside the home who is alleged to be responsible for the reported child abuse or neglect; and
- During Family Assessment and Case Management, on each household member and frequent visitor (including members of the household of the parent with shared custody, the non-custodial parent and other caregivers) whose Department history was not checked during Intake.

2. CORI and SORI Checks

In the following situation a **CORI check is required** to be completed:

- Prior to authorizing young adult support payments. The existence of a CORI does not preclude the Department from authorizing young adult support payments. (See Policy #2013-10, Permanency Planning Policy, page 57)

In the following situations, the **decision to access CORI or SORI data is made on a CASE BY CASE basis** by the Social Worker, in consultation with the Supervisor:

- During Intake (including the Screening of or Response to a 51A report), on any individual who has, has had or may have had access to the child(ren) in the household and/or on the child(ren);
- During Family Assessment or Case Management, on any household member (including members of the household of the parent with shared custody, the non-custodial parent and other caregivers); and
- On a child of any age who is in Department care or custody, when concerns arise that she/he may have criminal history that should be considered during service planning and decision-making.

Examples of situations when it may be appropriate to access CORI or SORI data during SCREENING and RESPONSE include, but are not limited to:

- when 51A report allegations include information which suggests that an individual involved in the 51A report/51B investigation has engaged in criminal behavior (e.g., drug involvement, prostitution, assault, etc.) which may affect the child's health, safety, or well-being or Department staff safety;
- when the report rises to the threshold of a DA referral [situations involving a child's death; sexual assault; brain damage, loss or substantial impairment of a bodily function or organ, or substantial disfigurement; sexual exploitation; or serious physical injury (including but not limited to: fracture of any bone, severe burn, impairment of any organ, or any other serious injury; an injury requiring the child to be put on life support systems; any other disclosure of physical abuse involving physical evidence which may be destroyed; any current disclosure by the child of sexual abuse; or the presence of physical evidence of sexual assault)];
- when the CORI reveals a crime of a sexual nature, a SORI should be conducted;
- when information about criminal activity needs to be verified; or
- when the allegations include information which suggests that domestic and/or other types of violence and/or substance abuse are present in the home.

Examples of those times when it may be appropriate to access CORI or SORI data during FAMILY ASSESSMENT or CASE MANAGEMENT include, but are not limited to:

- to verify information which has been collected or provided by the family or collateral contact;
- to clarify conflicting information;
- when information suggests that a current or new household member or frequent visitor has engaged in criminal behavior (e.g., drug involvement, prostitution, assault, any crime of a sexual nature, etc.) which may affect the child(ren)'s health, safety or well-being or Department staff safety; or

- when information suggests that domestic and/or other types of violence are occurring in the home.

3. BRCs on Ongoing, Routine, Potentially Unsupervised Caregivers

When the Department identifies an individual who has been or may become an ongoing, routine, potentially unsupervised caregiver of a child who is in Department care or custody, the Social Worker (or the Family Resource Worker, if the individual is associated with the child's foster/pre-adoptive placement) arranges for the individual's Department history to be checked and requests the BRC Unit to access the individual's CORI and SORI. **Examples of REQUIRED circumstances when CORI and SORI data must be accessed on an individual who may become an ongoing, routine, POTENTIALLY UNSUPERVISED CAREGIVER OF A CHILD IN DEPARTMENT CARE OR CUSTODY** include, but are not limited to:

- when the individual is being considered as a babysitter for the child;
- when the child will, *on a frequent, continuing basis*, visit overnight in the individual's home; and
- when the individual is a friend or non-household family member who will be transporting the child on a *routine, ongoing* basis.

When such individuals have findings, a review is completed and approved in accordance with the policy and procedures required for licensing of foster/pre-adoptive families.

Please NOTE: CORI and SORI checking should not delay visitation between parents, grandparents and siblings with the child, although CORI and SORI data may be used to make determinations such as whether the visits are supervised or unsupervised.

Examples of circumstances when accessing CORI or SORI data SHOULD BE CONSIDERED but is not required include, but are not limited to:

- when the child is leaving placement to be reunited with family or to live independently, to verify the circumstances of the parent(s) or other caregiver/household member(s) with whom the child may reside and for whom a CORI or SORI check was not previously completed.

Under these circumstances, any findings are considered during service planning and decision-making which may include the convening of a clinical review team. However, the review and approval process used for foster/pre-adoptive parents is not required.

Please NOTE: As required by the Agreement Between the Department of Children and Families and Foster/Pre-Adoptive Parents, the process of determining whether a child in Department care or custody may participate in an activity that will take her/him away from home overnight, such as a school or church field trip or overnight in a friend or classmate's home, begins with the foster/pre-adoptive parent informing Department of the impending activity. Department staff and the foster/pre-adoptive parent then exercise reasonable and prudent parental judgment to arrive at a decision. Background record checks are not required but may be completed if concerns exist. Information obtained is used to inform service planning and decision-making; no waiver is required.

B. For Foster/Pre-Adoptive Families during Initial Eligibility Screening, License Study and Reassessment/License Renewal Study

As part of the Initial Eligibility Screening process and prior to commencing the License Study, prospective foster/pre-adoptive parents must sign an application form that includes a section requiring them to disclose any criminal charges, including the nature of the crimes and the dispositions. The application indicates that failure to disclose such information will result in disqualification. The prospective foster/pre-adoptive parents are also required to verify their identity with at least one form of government-issued photographic identification. The individuals are also informed that Department history, CORI and SORI checks will be completed as follows:

It is Department policy that **Department history, CORI and SORI checks are REQUIRED** to be completed in the following situations:

- For each member or frequent visitor age 15 years or older in a household which is interested in becoming a Department foster or pre-adoptive home during Initial Eligibility Screening;
- For each member or frequent visitor age 15 years or older in a household which is interested in becoming a Department foster or pre-adoptive home within 5 working days prior to completion of the License Study; and

- For each member or frequent visitor age 15 years or older of a foster or pre-adoptive home which is receiving its Annual Reassessment or License Renewal Study.

It is the Department policy that **ALL foster and pre-adoptive parent applicants** will be required to be **fingerprinted** and checked through a nationwide fingerprint-based criminal history check. The Department assists applicants in arranging for the submission of their fingerprints during the licensing process in accordance with MGL c. 119, § 26A. All foster and pre-adoptive parents will also be fingerprinted and checked through a nationwide fingerprint-based criminal history check during a license renewal every 2 years. If a secondary caregiver moves into the home after the home is licensed, that person will be fingerprinted within 60 calendar days.

It is Department policy that in the following situations, **the decision to access CORI and SORI data is made on a CASE BY CASE basis** by the Social Worker, in consultation with the Supervisor:

- On any member of a household or frequent visitor younger than age 15 years about whom concerns exist during the Initial Eligibility Screening process, License Study or Annual Reassessment/License Renewal Study (checks on household members age 15 years or older are always required during the Initial Eligibility Screening process, License Study and Annual Reassessment/License Renewal Study); and
- On any household member of or frequent visitor to a foster or pre-adoptive family (regardless of age) during a Limited Reassessment.

(See Policy #2006-01, Family Resource Policy)

After completing the background record checks, the Department follows the guidance in Appendix C, "Guidelines for Secure Management of CORI and SORI Data," when informing the prospective or current foster/pre-adoptive parent(s) about their findings and about the findings for other household members or frequent visitors.

NOTE: Information regarding the Department or criminal history of a child/young adult in Department care or custody who is placed or living with a foster/pre-adoptive family does not affect the family's approval, licensing or re-licensing status, but the information is reviewed with the family as directed by administrative staff and is considered during service planning and decision-making.

III. Procedures: Completing BRCs

A. For Department History Based on Massachusetts Data

Person searches to obtain Department history information can be completed, in accordance with policy, by anyone with FamilyNet access. For intake, response, family assessment and case management, person searches will be conducted by the Social Worker(s) and/or Supervisor assigned to that Family's Case. For Family Resource, it will be conducted by the Department's BRC Unit.

B. For CORI and SORI during Screening, Response, Family Assessment or Case Management

To access an individual's CORI or SORI, the Social Worker submits a background record check request on FamilyNet to the Department's BRC Unit. The BRC Unit completes a CORI check and when applicable, a SORI check, indicates the outcome on FamilyNet, summarizes the findings in an electronic notification to the requestor and returns the paper copy of any CORI record found to the CORI Liaison, or enters the copy in the i-FamilyNet secure Electronic Document Management (EDM) system and notifies the CORI Liaison, who discusses the information with the Social Worker. The Social Worker summarizes the BRC findings in dictation (the DCJIS does not permit the Department to include specific criminal charges and dispositions in Department records), date obtained and any determinations made based on the BRC findings.

If the CORI reveals a crime of a sexual nature, the BRC Unit will also conduct a SORI check and process the requests in the same manner as the CORI. The BRC Unit may conduct a SORI check in any other case at the request of the Social Worker.

C. For CORIs of Prospective or Current Foster/Pre-Adoptive Families Based on Massachusetts Data

The Social Worker or Family Resource Worker (as assigned) initiates the background record check process by submitting a request for a BRC check on FamilyNet to the BRC Unit. The BRC Unit completes CORI, SORI and Department history checks, indicates the outcomes on FamilyNet and sends an

electronic notification to the requestor. In addition, the BRC Unit sends the paper copy of any CORI or SORI check record found to the CORI Liaison, or enters the copy in the i-FamilyNet secure EDM and notifies the CORI Liaison, who discusses the information with the Social Worker and maintains any paper copies received in a secure location in accordance with Appendix C.

D. For CORI Checks of Foster/Pre-Adoptive Applicants Based on Out-of-State Data

All applicants seeking to provide foster care or pre-adoption services must demonstrate their suitability to meet the licensing state's criminal history standards through a nationwide fingerprint-based criminal history check for themselves. The Department assists applicants in arranging for the submission of their fingerprints. Based on the results received through the BRC Unit, the Family Resource Worker, in consultation with her/his Supervisor, determines, whether the applicant meets Department standards for eligibility to apply related to criminal history. [See *Regulations*, 110 CMR 18.00] Nationwide fingerprint-based criminal history checks are completed only on applicants. The fingerprint-based checks are conducted during the application process and every 2 years during a license renewal for foster/pre-adoptive parents. New primary or secondary caregivers who become household members after the licensing study will be fingerprinted within 60 calendar days of moving into the home. An additional check may be required if the individual seeks approval of a Department-sponsored guardianship or adoption and has not previously had a fingerprint-based criminal history check completed.

For homes that were licensed prior to July 1, 2014, the foster/pre-adoptive parents will be fingerprinted at the next annual re-evaluation or license renewal that occurs on or after July 1, 2015. For homes licensed on or after July 1, 2014, the applicants will be fingerprinted during the application process, or at a later date established by the Department, but no later than January 1, 2016.

If a foster/pre-adoptive family closes for a period of 6 months or longer such checks will need to be repeated on the foster/pre-adoptive parents. Please NOTE: Homes receiving adoption or guardianship subsidies are considered closed unless they are also providing foster or pre-adoptive care. The Department will assist the prospective foster/pre-adoptive family/individual in obtaining criminal history information from the appropriate out-of-state authority for non-applicant household members age 15 and older who resided out-of-state during some period during the 5 years prior to application.

Prior to the allowance of a guardianship of a minor petition sponsored by the Department, the prospective guardians must have a check completed through the nationwide fingerprint-based criminal history system if not previously fingerprinted as part of the initial foster home licensing process.

The results of the fingerprint-based checks are received in the BRC Unit from the Executive Office of Public Safety and Security. The BRC Unit will enter the applicable code for any results in the applicable BRC section of the Family Resource electronic record. The BRC Unit sends the paper copy of any CORI or SORI check record found to the CORI Liaison, or enters the copy in the i-FamilyNet secure EDM and notifies the CORI Liaison, who discusses the information with the Social Worker and maintains any paper copies received in a secure location in accordance with Appendix C.

If the fingerprints could not be read by the state police fingerprint system, the BRC Unit notifies the Family Resource worker who arranges for the fingerprints to be redone. If the fingerprints cannot be read by the state police fingerprint system a second time, the BRC Unit or Central Office designee will request a name and DOB search of the National Crime database. The BRC Unit will record the results in the applicable BRC section of the Family Resource electronic case record and notify the CORI Liaison.

E. For Child Welfare History Checks of Foster/Pre-Adoptive Applicants Based on Out-of-State Data

If an applicant has resided, during some period of the 5 years prior to their application, in other states, US military bases, US territories or Indian reservations, the Department is required to obtain documentation of the applicant's ability to meet and maintain the Department's child welfare history standards for eligibility to apply from the child welfare agencies of those states or the military, territorial or Indian tribal authorities. The Department will also request, but the other state or jurisdiction is not required to provide, child welfare history information regarding each non-applicant household member age 15 or older. This practice will be maintained until the Department is able to implement alternative systems for obtaining out-of-state child welfare history documentation. If any household members age 15 or older, including the applicant, lived outside the US during the 5 year period prior to application, the Department will request their child welfare history information from the appropriate authority in that country.

The Social Worker or Family Resource Worker (as assigned) documents in the License Study the details of the Department and out-of-state child welfare history checks findings and summary of any CORI findings, dates obtained and any determinations made based on the findings. (See *Policy # 2006-01, Family Resource Policy*)

IV. Procedures: BRC Outcomes and Approvals for Foster/Pre-Adoptive Families and Others

Current and prospective foster/pre-adoptive families who are disqualified based on background record check (BRC) information are informed, in writing, of:

- the disqualification decision,
- the reason(s) for it,
- the procedures for clarifying the accuracy and relevancy of any disqualifying finding, and/or
- the procedures for initiating a review of the disqualification decision.

If the family otherwise meets the required Department's licensing standards, but has a disqualifying BRC, the home can only be approved in accordance with Appendix B, "Criteria and Procedures for Approving Foster/Pre-adoptive Families with Disqualifying BRC Information," as indicated below.

NOTE: For homes licensed by Department Contracted Providers, see Appendix D "BRC Request and Approval Procedures for Contracted Foster/Pre-Adoptive Families" for process and authorization.

If a subsequent BRC finds the same information for which a disqualifying BRC has previously been reviewed and approved, and it is determined that the circumstances of the family have not changed, the home can be re-approved with or without stipulations (as applicable), based on the previous submission. To initiate this process, the Family Resource Worker completes a written request, indicating that the circumstances of the family have not changed.

A. Department History Information Outcomes and Approvals

Department history check findings result in the prospective or current foster/pre-adoptive family being designated a background record check outcome status as follows:

- **Category I Department History Presumptive Disqualification:** Disqualification due to the individual, a household member or a frequent visitor having a Department case open currently or during the prior 12 months (other than the open case of a child/young adult placed with the family by the Department). A foster/pre-adoptive home may be approved by the appropriate authority based on one of the following criteria and a review of supporting documentation:
 - Based on the recommendation of a clinical review team, the **hosting Regional Director** may approve one of the following:
 - The individual/household member has a Department open case to receive services following an adoption legalization.
 - The individual/household member has a Department open case to receive services on behalf of a child for whom a household member is a guardian.
 - The family is a prospective kinship placement (ONLY), and the household member who has the open case is the teen parent of a child to be placed, the teen parent is not the person alleged to be responsible for the physical or sexual abuse of any child in a supported 51B investigation, and it is considered to be in the child's best interests for the teen parent to be a member of that kinship family household.
 - Based on the recommendation of a Central Office clinical review team, the **Commissioner** may approve a parent who has a disability which prevents her/him from being able to parent her/his child and who has a Department open case, to reside in a placement with a child in Department care or custody, if it is determined that the parent will present no danger to the child, and it is considered to be in the child's best interests for the parent to be a member of that household.
 - Based upon the recommendation of a Regional clinical review team, the **Assistant Commissioner over foster care and adoption** may approve any other Category I exception.

- **Category II Department History Discretionary Disqualification:** Disqualification due to the individual or a household member having a Registry of Alleged Perpetrators listing. The **hosting Regional Director** may approve a home, based on review of supporting information, for the family.
- **Category III Department History Discretionary Disqualification:** Disqualification due to the individual or a household member having:
 - a Central Registry listing that identifies her/him as a consumer or alleged perpetrator in a supported 51B investigation that did not result in an open case or did result in an open case but the case has been closed for more than 12 months; or
 - a Person Search listing that identifies her/him as a member of a Department case that was assigned for assessment or had a Service Plan completed but has since been closed for more than 12 months (including involvement in a Department case as a child).

The **hosting Director of Areas** may approve a home, based on review of supporting documentation, for the family.

- **FYI (For Your Information):** The Department history check has found that the prospective or current foster/pre-adoptive parent or a household member has previous Department history information that is not disqualifying but should be reviewed, such as information that the individual was involved in a screened out 51A report or an unsupported 51B investigation, or that she/he requested or was referred for Department services but no case was opened. The Director of Areas/designee must review the circumstances and determine next steps.
- **Eligible to Apply/Prequalified:** Neither the prospective or current foster/pre-adoptive parent nor any household member has disqualifying Department history information.

B. CORI Outcomes and Approvals

CORI findings, from either the Massachusetts CORI check or the National Crime Database Check, result in the prospective or current foster/pre-adoptive family being designated a background record check status as follows:

- **Lifetime Disqualification:** Disqualification based on a felony conviction of one of the crimes listed in *Lifetime Disqualifying Crimes* list found in 110 CMR 18.15 or *Crimes that Result in a Lifetime Disqualification* found in Appendix A of this policy.
- **5 Year Disqualification:** Disqualification based on a felony conviction for physical assault, battery or a drug-related offense and the offense was committed in the 5 years prior to the CORI check.
- **Table A CORI Presumptive Disqualification:** Disqualification based on a criminal conviction or pending charge regarding an offense listed in 110 CMR 18.15 Table A and Appendix A, "Criteria for CORI Review for Foster and Pre-Adoptive Families," Table A. The **Deputy Commissioner, General Counsel and Commissioner** review and may approve a home to place a child(ren) who is in Department care or custody with a prospective or current foster/pre-adoptive family in which a household member or frequent visitor has disqualifying Table A CORI, based on a review of supporting information as specified in Appendix B, "Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information". They may approve a placement in a home with disqualifying information for a KINSHIP family on an emergency basis upon submission of an abbreviated request. To maintain a child's placement with the kinship family, a full set of supporting documents must be submitted within 30 working days after the date of placement for final approval of the home.
- **Table B CORI Discretionary Disqualification:** Disqualification based on a criminal conviction or pending charge regarding an offense listed in 110 CMR 18.15 Table B and Appendix A, "Criteria for CORI Review for Foster and Pre-Adoptive Families," Table B. The **hosting Director of Areas** may approve a home with disqualifying information based on a review of supporting documentation as specified in Appendix B, "Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information".
- **Table C CORI Discretionary Disqualification:** Disqualification based on a criminal conviction or pending charge regarding an offense listed in 110 CMR 18.15 Table C and Appendix A, "Criteria for CORI Review for Foster and Pre-Adoptive Families," Table C. The **hosting Director of Areas or Area Clinical Manager** may approve a home with the disqualifying information based on a review of supporting documentation as specified in Appendix B, "Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information".

- **Table D CORI Discretionary Disqualification:** Discretionary disqualification based on a finding that the individual or a household member has been charged with an offense listed in 110 CMR 18.15 Table A, B or C with one of the following dispositions: dismissed, continued without a finding, not guilty, vacated, filed or not processed; or that the individual or a household member has requested the issuance of a protective order, i.e., a "209A," as either the plaintiff or victim. The **hosting Director of Areas or Area Clinical Manager** may approve a home with the disqualifying information based on a review of supporting documentation as specified in Appendix B, "Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information".
- **FYI (For Your Information):** The CORI check has found that the prospective or current foster/pre-adoptive parent, a household member or a frequent visitor has criminal history information that is not disqualifying but should be reviewed. The Director of Areas or Area Clinical Manager/designee must review the circumstances and determine next steps.
- **Eligible to Apply/Prequalified:** Neither the prospective or current foster/pre-adoptive parent nor any member of her/his household or frequent visitor has a disqualifying CORI finding.

C. SORI Outcomes

SORI findings will be designated as a Level I, II or III and will result in the prospective or current foster/pre-adoptive family being designated a background record check status as a Table A Presumptive Disqualification; and will be treated the same as a conviction under Table A.

D. BRC Result Review

If the Area/Regional Office working with the Family Resource learns of information that would change the BRC categorization of an individual or home, the Area/Regional CORI Liaison shall notify the Director of the BRC Unit and provide the documentation that demonstrates the BRC categorization was incorrect. If the Director of the BRC Unit agrees, after reviewing the documentation, he/she shall have the categorization corrected. If the Director of the BRC Unit disagrees with the request to revise the categorization, the request shall be reviewed by the Assistance Commissioner over foster care, adoption and adolescent services, the General Counsel and the Director of the BRC Unit's supervisor.

E. Approvals for Routine, Ongoing, Potentially Unsupervised Caretakers of Children in Department Care or Custody

Individuals seeking to become routine, ongoing, potentially unsupervised caretakers of children in Department care or custody who are not approved due to BRC findings are afforded the opportunity to review the accuracy and relevancy of the background records information obtained about them by submitting a written request for a review to the Director of Areas or Regional Director of the office that completed the BRC. They may also request a review regarding a Department decision to deny them the opportunity to become the child's caretaker based on the BRC findings. The review is subject to the same review and approval policy and procedures as required for licensing of foster/pre-adoptive families. Individuals seeking to become routine, ongoing, potentially unsupervised caretakers for a child in Department care or custody whose review request is denied do not have the right to appeal this decision.

F. Fair Hearing Rights of Prospective/Current Foster/Pre-Adoptive Families/Individuals

All prospective/current foster/pre-adoptive families/individuals whose background records are checked have the right to review the accuracy and relevancy of the Department history information and CORI data the Department obtains about them by submitting a written request for a review to the Director of Areas or Regional Director of the office that completed the BRC. A family/individual who has disqualifying information that is determined to be accurate may submit a review request challenging the relevancy of the information to the disqualification decision. The Social Worker (or Family Resource Worker, as assigned), assists the family/individual in completing the request. The written statement prepared by the Social Worker/Family Resource Worker and/or Supervisor will reflect her/his recommendation regarding the home. (See Appendix B – Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information) Current foster/pre-adoptive families and individuals who are found to have disqualifying background information during a Reassessment/License Renewal Study may request a fair hearing to appeal the denial of continued/renewed licensing (as applicable), except when the denial is due to an outstanding warrant or a lifetime disqualification. Any outstanding warrant must be resolved before a decision can be made to continue/renew the family's license. Families and individuals seeking to be

licensed to provide foster care or adoption who are disqualified during Initial Eligibility Screening do not have the right to request a fair hearing. If a child has been placed with a kinship or child-specific family following approval after review of disqualifying BRC information prior to completion of the full License Study but the applicant fails to complete the License Study, the Department has the right to deny licensing and remove any placed child; the applicant does not have the right to appeal through the fair hearing process either the denial or the removal decision.

G. Continuous Quality Improvement (CQI)

The Department will conduct a review, at least annually, of the quality of decision-making regarding the approval of homes where BRC information revealed a disqualifying basis, the denial of homes where there was disqualifying BRC information and the procedures being followed to develop these decisions. The review will consider such outcomes as the affect of the decision making on achievement of child safety, well-being and permanency; the timeliness of decision-making; completeness of information available for decision-making; and family satisfaction regarding decision-making.

V. Additional Guidance

The attached appendices provide more specific guidance regarding:

- Criteria for CORI Review for Foster and Pre-Adoptive Family Resources (Appendix A);
- Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information (Appendix B)
- Guidelines for Secure Management of CORI and SORI Data (Appendix C)
- BRC Request and Approval Procedures for Contracted Foster/Pre-Adoptive Providers (Appendix D)

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Appendix A

Criteria for CORI Review for Foster and Pre-Adoptive Families

Criminal Offense Record Information (CORI) checks are completed on household members and frequent visitors of prospective and current foster/pre-adoptive families in accordance with *Regulations* 110 CMR 7.000, 110 CMR 18.00 and *Policy #86-014*, Background Records Check Policy. CORI findings result in the families being designated for review according to the criteria indicated below.

All offenses included in 110 CMR 18.15, Tables A, B and C (see below), are to be construed as including all violations of Massachusetts law or like violation of the law of another state, the United States, or a military, territorial or Native American tribal authority. The Department's Central Office Background Record Check (BRC) Unit contacts the Assistant Commissioner over foster care and adoption, the General Counsel and the Assistant Commissioner for Policy and Practice whenever a CORI investigation reveals an offense that is not included in the tables but appears to be similar in seriousness to an included offense. The Assistant Commissioner over foster care and adoption, the General Counsel and the Assistant Commissioner for Policy and Practice determine if it shall be treated as the similar included offense or if it needs to be added to the appropriate table through the regulatory process. The BRC Unit includes information regarding the finding and its actions in its electronic notification to the requestor.

If the BRC unit is unable to determine from the CORI or fingerprint results what the outcome of the charge was, the CORI will be treated as an open charge and categorized in accordance with the tables below until the Department office working with the family can determine the final result. Based on documentation provided to the BRC Unit, the categorization for the individual and household may be modified to reflect the outcome.

Charges that show a result of guilty, plead guilty, guilty finding, house of correction, concurrent, consecutive, split sentence, probation longer than 6 months other than pre-trial probation, suspended sentence or committed will be treated as a conviction.

The CORI history of a child or young adult who is in Department care or custody and placed with or living with the family does not affect the family's approval, licensing or license renewal status, but the information is reviewed with the family as directed by administrative staff and is considered during service planning and decision-making.

Outstanding Warrants

If the CORI indicates that a household member or frequent visitor (other than a child in Department care or custody placed with the family) has an outstanding warrant for any crime, regardless of whether or not the crime is listed in Table A, B or C below, the home cannot be approved, licensed or re-approved, nor can the home's license be renewed until the warrant is resolved. After the warrant is resolved, the charge will be considered according to the table in which the charge and/or its disposition is listed, as applicable.

Crimes that Result in a Lifetime Disqualification

A foster/pre-adoptive home will not be approved to provide care for a child in Department care or custody if any household member has been convicted of or has charges pending for one of the following felonies. Adjudicated Juvenile Delinquency charges do not result in a Lifetime Disqualification.

LIFETIME DISQUALIFYING CRIMES	MGL
ASSAULT AND BATTERY UPON A CHILD	c. 265, § 13J
ASSAULT WITH INTENT TO RAPE	c. 265, § 24

ASSAULT WITH INTENT TO RAPE A CHILD	c. 265, §§ 23, 24B
ENTICEMENT OF A CHILD UNDER 18 TO ENGAGE IN PROSTITUTION, HUMAN TRAFFICKING OR COMMERCIAL SEXUAL ACTIVITY	c. 265, § 26D
HUMAN TRAFFICKING	c. 265, §§ 50-53
INCEST	c. 272, § 17
INDECENT ASSAULT AND BATTERY	c. 265, §§13B, 13F, 13H
INDECENT ASSAULT AND BATTERY ON CHILD UNDER 14, AGGRAVATED	c. 265, § 13B1/2
INDECENT ASSAULT AND BATTERY ON CHILD UNDER 14, AGGRAVATED, SUBSEQUENT OFFENSE	c. 265 § 13B ¾
INDUCING A MINOR INTO PROSTITUTION	c. 272, § 4A
MURDER	c. 265, § 1
CHILD PORNOGRAPHY RELATED OFFENSES	c. 272, § 29A, 29B, 29C
PROSTITUTION, DERIVE SUPPORT FROM CHILD	c. 272, § 4B
PROSTITUTION/SOLICITATION WITH PERSON UNDER 14	c. 272, § 23A
RAPE	c. 265, § 22
RAPE OF CHILD WITH FORCE	c. 265, § 22A
RAPE OF CHILD WITH FORCE, AGGRAVATED	c. 265, § 22B
RAPE OF CHILD WITH FORCE, AGGRAVATED, SUBSEQUENT OFFENSE	c. 265, § 22C
RAPE AND ABUSE OF A CHILD AGGRAVATED BY AGE	c. 265, § 23A
RAPE AND ABUSE OF A CHILD BY PREVIOUS OFFENDERS	c. 265 § 23B
SEXUAL CONDUCT WITH CHILD UNDER 14, PAY FOR OR FOR FEE	c. 272, § 53A(b)
UNNATURAL ACTS WITH A CHILD UNDER 16	c. 272, § 35A

Table A: Crimes that Result in Presumptive Disqualification

An individual will require written approval in accordance with the Department's procedures to be eligible to be a foster or pre-adoptive parent, if she/he or any household member (other than a child in Department care or custody placed with the family) has been convicted of or has charges pending or a default for any crime listed in Table A of this policy. Adjudicated Juvenile Delinquency charges will be treated the same as a conviction for the purpose of classifying the crime as a Table A, B or C crime and the required approval level, but do not result in a 5 year disqualification. . If the crime listed below identified with an "*" has occurred within the past 5 years, the foster or pre-adoptive parent will not be eligible until 5 years has passed since the crime was committed. [NOTE: A pending charge can be identified on a CORI as a charge having an open (O) status.]

TABLE A	MGL / F(elony) M(isdeemeanor)
A&B, DANGEROUS WEAPON, VICT 60+ *	c.265 § 15A(a) / F
A&B ON ELDER OR PERSON WITH DISABILITY *	C. 265 § 13K / F
A&B, INTIMIDATION, RACE/COLOR/RELIGION *	c. 265 §§ 39(a), 39(b) / F
A&B ON RETARDED PERSON *	c.265 § 13F / F
ABUSE OF PATIENT LONG TERM CARE FACILITY *	c. 265, § 38 / F

TABLE A	MGL / F(elony) M(isidemeanor)
ADMINISTERING DRUGS/SEX	c.272 § 3 / F
AGGRAVATED ASSAULT*	c. 265, § 13A(6) / F
ARMED ASSAULT W/ INTENT TO MURDER OR ROB *	c.265 § 18(b) / F
ARMED ASSAULT W/ INTENT TO MURDER OR ROB, VICT 60 *	c.265 § 18(a) / F
ARMED ASSAULT, DWELLING, W/ FELONY INTENT *	c.265 § 18A / F
ARMED CARJACKING	c.265 § 21A / F
ARMED CAREER CRIMINAL	c. 269 § 10G / F
ARMED ROBBERY	c.265 § 17 / F
ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER *	c. 265, § 15B(a) / F
ASSAULT W/ INTENT TO MURDER OR MAIM *	c.265 § 15 / F
ATTEMPT ESCAPE OR ESCAPE BY PRISONER OR SEX/DANG	c.268 § 16 / F
ATTEMPT TO MURDER	c.265 § 16 / F
BURNING DWELLING HOUSE	c.266 § 1 / F
CHILD ENTICEMENT	c. 265 § 26C / F
CIVIL RIGHTS VIOLATION, BODILY INJURY *	c. 265, § 37 / F
DISTRIBUTE CONTROLLED SUBSTAN, MINOR *	c.94C § 32F / F
ELDER/DISABLED, PERMIT ABUSE ON	c. 265 § 13K(A ½) / F
EXHIBIT POSING CHILD	c.272 § 29A / F
EXTORTION	c.265 § 25 / F
FAILURE TO REGISTER AS A SEX OFFENDER	C 6, § 178H
FIREARM, ARMED CAREER CRIMINAL	c. 269 § 10G / F
HOME INVASION	c.265 § 18C / F
IDENTITY FRAUD	c.266 §37E / M
INDECENT A&B ON DISABLED PERSON OVER 60 *	c. 265 § 13K / F
INDUCE MINOR TO DISTRIBUTE DRUGS	C 94C, § 32K / F
INTIMIDATION OF WITNESS	c.268 § 13B / F
KIDNAPPING	c.265 § 26 / F
LEWD CONDUCT WITH MINOR	c. 272, § 35A / F
MALICIOUS EXPLOSION	c.266 § 101 / F
MANSLAUGHTER, NEGLIGENCE (MINOR/CHILD)	c.265 § 13 / F
MANSLAUGHTER	c.265 § 13 / F
MAYHEM	c.265 § 14 / F
OBSCENE PICTURES, DISTRIBUTING	c. 272, §§ 28-29 / F
PERJURY	c.268 § 1 / F
PHOTOGRAPH UNSUSPECTING NUDE PERSON	c. 272 § 104(b) / F

TABLE A	MGL / F(elony) M(isdemeanor)
PHOTOGRAPH OF UNSUSPECTING NUDE PERSON, DISSEMINATE	c. 272 § 104 (c) / M
PROSTITUTION, DERIVE SUPPORT FROM	c. 272, § 7 / F
PROSTITUTION, MAINTAIN HOUSE OF	c. 272, § 6 / F
SEXUAL INTERCOURSE, INDUCE MINOR	c. 272, § 4 / F
SEXUAL RELATIONS WITH INMATE BY EMPLOYEE CORRECTIONAL INSTITUTE	c. 268, § 21A / F
TRAFFICKING IN COCAINE *	c.94C § 32E(b)(4) / F
TRAFFICKING IN HEROIN *	c.94C § 32E(c)(4) / F
TRAFFICKING IN MARIJUANA *	c.94C § 32E(a)(4) / F
WEAPON OF MASS DESTRUCTION	c. 266, § 102C
VISUAL MATERIAL OF CHILD IN STATE OF NUDITY OR SEXUAL CONDUCT, DISSEMINATION	c. 272, § 29B / F
VISUAL MATERIAL OF CHILD IN STATE OF NUDITY OR SEXUAL CONDUCT, POSSESSION	c. 272, §29C / F
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	

Table B: Crimes that Result in Discretionary Disqualification.

An individual will require written approval in accordance with the Department's procedures to be eligible to be a foster or pre-adoptive parent, if she/he or any household member (other than a child in Department care or custody placed with the family) has been convicted of or has charges pending or a default for any crime listed in Table B below. Adjudicated Juvenile Delinquency charges will be treated the same as an adult conviction. If the crime listed below identified with an "*" has occurred within the past 5 years, the foster or pre-adoptive parent will not be eligible until 5 years has passed since the crime was committed.

TABLE B	MGL / F(elony) M(isdemeanor)
A& B DANGEROUS WEAPON *	c.265 § 15A / F
ACCESSORY AFTER FACT(VARIABLE)	c.274 § 4 / F
AID ESCAPE FROM CUSTODY	c.268 § 17 / F
ASSAULT BY DANGEROUS WEAPON *	c.265 § 15B(b) / F
ATTEMPT TO BURN DWELLING HOUSE	c.266 § 5A / M
ATTEMPTED EXTORTION	c.265 § 25 / F
BOMB SCARE	c.269 § 14 / F
B&E DAY, INTENT COMM FELONY	c.266 § 18 / F
B&E DAY, INTEND COMM FELONY, FEAR	c.266 § 17 / F
B&E NIGHT, BLDG/SHIP/M/V, INTEND COMM FELONY	c.266 § 16 / F

TABLE B	MGL / F(elony) M(isdemeanor)
B&E TRUCK, INTEND COMM FELONY	c.266 § 20A / F
BODY ARMOR USE IN COMMISSION OF FELONY	c.269, § 10D / F
BRIBERY OF A POLICE OFFICER	c.268 § 2 / M
BURGLARY, ARMED	c.266 § 14 / F
BURGLARY, UNARMED	c.266 § 15 / F
BURNING BUILDING	c.266 § 2 / F
BURNING M/V OR PERSONAL PROPERTY	c.266 § 5 / F
BURNING TO DEFRAUD INSURANCE CO.	c.266 § 10 / F
CARJACKING	c. 265, § 21A / F
CARRYING DANGEROUS WEAPON	c. 269, § 10 / F
CARRYING DANGEROUS WEAPON, COMMITTING FELONY	c.269 § 10(b) / F
CARRYING DANGEROUS WEAPON, SUB OFFENSE	c.269 § 10(d) / F
CARRYING LOADED RIFLE/SHOTGUN, PUBLIC WAY	c.269 § 12D / M
COMPOUNDING FELONY	c.268 § 36 / F
CONTRIBUTE DELINQUENCY CHILD	c.119 § 63 / M
COUNTERFEITING RELATED CRIMES	c. 267, §§10,12,13,17/ F
CRIMINAL HARASSMENT	C 265, §43A / F
DELIVER ARTICLES TO INMATE	c.268 § 31 / F
DELIVER DRUGS TO PRISONER *	c.268 § 28 / F
DRUG PARAPHENELIA *	c.94C § 32I(a) / M
ENTER W/O BRK, BLDG/SHP/M/V, INT FEL , FEAR	c.266 § 17 / F
ENTER W/O BRK, NIGHT, DWELL, INTEND COMM FELONY	c.266 § 18 / F
ENTICE FEMALE, SEX, INTERCOURSE	c.272 § 2 / F
ESCAPE, FURLOUGH	c.268 § 16 / F
ESCAPE BY PRISONER	c.268 § 16 / F
FALSE INFORMATION FOR GUN PERMIT	c.140 § 129 / M
FORGERY, ALTER PRESCRIPTION	c.94C § 33(b) / F
FUGITIVE FROM JUSTICE	c.276 § 20A / M
INVOLUNTARY MANSLAUGHTER	c.265 § 13 / F
KIDNAPPING MINOR BY RELATIVE	c.265 § 26A / F
KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY	c.265 § 26A / F
LARCENY, BANK EMPLOYEE OR OFFICER	c.266 § 52 / F
LARCENY, CONTROLLED SUBSTANCE, FROM AUTHORIZED PERSON	c.94C § 37 / F
LARCENY FIREARM	c.266 § 30 / F
LARCENY, PERSON	c.266 § 25 / F

TABLE B	MGL / F(elony) M(isidemeanor)
LARCENY, PERSON 65+	c.266 § 25 / F
MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE *	c.94C § 32 / F
MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE *	c.94C § 32A / F
MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE *	c.94C § 32B / F
MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE *	c.94C § 32C / F
MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE *	c.94C § 32A / F
MFG/DIST/DISPENSE CL A W/IN 1000 FT SCHOOL *	c.94C § 32J / F
MFG/DIST/DISPENSE CL B W/IN 1000 FT SCHOOL *	c.94C § 32J / F
M/V HOMICIDE, NEGLIGENT OPERATION	c.90 § 24G(b) / F
M/V HOMICIDE, RECKLESS OPERATION	c.90 § 24G(b) / F
M/V HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS *	c.90 § 24G(a) / F
M/V HOMICIDE, UNDER INFLUENCE LIQUOR *	c.90 § 24G(b) / F
M/V HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS *	c.90 § 24G(b) / F
OPERATE M/V UNDER INFLUENCE, SERIOUS INJURY	c.90 § 24(1)(a)(1) / M
OPERATE M/V UNDER INFLUENCE, DRUGS, 3 RD OFFENSE	c.90 § 24(1)(a)(1) / M
OPERATE M/V UNDER INFLUENCE, LIQUOR, 3 RD OFFENSE	c.90 § 24 / M
OPERATE M/V UNDER INFLUENCE, (2 or more convictions)	c. 90 § 24 / M
POSSESS BURGLARIOUS TOOLS	c.266 § 49 / F
POSS CL A SUB W/INT TO DIST W/ INT 1000 FT SCHOOL *	c.94C § 32J / F
POSS CL B SUB W/INT TO DIST W/ INT 1000 FT SCHOOL *	c.94C § 32J / F
POSS CL B SUB W/INT TO DIST/MFG/CULT W/ INT 1000 FT SCHOOL *	c.94C § 32J / F
POSSESS CLASS A SUBSTANCE	c.94C § 34 / M
POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE *	c.94C § 32(a) / F
POSSESS CLASS B SUBSTANCE	c.94C § 34 / M
POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE *	c.94C § 32A(a) / F
POSSESS CLASS B SUBSTANCE, W/ INTENT DIST/MFG *	c.94C § 32A / F
POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE *	c.94C § 32B(a) / F
POSSESS CLASS C SUBSTANCE, SUB OFFENSE	c.94C § 34 / M
POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE *	c.94C § 32C(a) / F
POSSESS CLASS D SUBSTANCE, SUB OFFENSE	c.94C § 34 / M
POSS CLASS D SUB W/ INT TO DIST W/ INT 1000 FT SCHOOL *	c.94C § 32J / F
POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32D / M
POSSESS CONTROLLED SUB W/ INTENT DISTRIB, SUB OFF *	c.94C § 32(b) / F
POSSESS FIREARM W/O LICENSE	c.269 § 10(h) / M
POSSESS FIREARM, SERIAL/ID NUM OBLIT	c.269 § 11C / F

TABLE B	MGL / F(elony) M(isdemeanor)
POSSESS FIREARM, SERIAL/ID NUM OBLIT, COMM FELONY	c.269 § 11B / F
POSSESS INFERNAL MACHINE	c.266 § 102A / F
POSSESS MACHINE GUN W/O LICENSE	c.269 § 10C / M
POSSESS MACHINE GUN OR SAWED OFF SHOT GUN, SUB OFFENSE	c.269 § 10D / F
POSSESS M/V MASTER KEY	c.266 § 49 / F
POSSESS MATTER HARMFUL MINOR	c.272 § 28 / F
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF"	c.269 § 10C / F
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF, SUB OFF	c.269 § 10D / F
RECEIVE/BUY STOLEN M/V	c.266 § 28(a) / F
ROBBERY, BANK	c. 265, § 17 / F
SELL AMMUNITON W/O LICENSE	c.140 § 122B / F
SELL OBSCENE LITERATURE, UNDER 18	c.272 § 28 / M
SELL FIREARM W/O LICENSE	c.140 § 128 / F
THROW EXPLOSIVES	c.266 § 102 / F
TRAFFICKING IN COCAINE W/ IN 1000 FT SCHOOL *	c.94C § 32J / F
TRAFFICKING IN HEROIN W/ IN 1000 FT SCHOOL *	c.94C § 32J / F
TRAFFICKING IN MARIJ W/ IN 1000 FT SCHOOL *	c.94C § 32J / F
UNARMED ASSAULT, INTENT TO ROB *	c.265 § 20 / F
UNARMED ROBBERY	c.265 § 19(b) / F
UNARMED ROBBERY, VICTIM 60	c.265 § 19(a) / F
UNLAWFULLY OBTAINED CONTROLLED SUBSTANCE	c. 94C § 33 / F
UNLAWFUL POSSESSION, BOMB	c.148 § 35 / M
UNLAWFUL POSSESSION, FIREARM, COMMISSION FELONY	c.265 § 18B / F
UNLAWFULLY PLACE EXPLOSIVES	c.266 § 102 / F
UNNATURAL ACTS	c.272 § 35 / F
UTTER FALSE PRESCRIPTION	c.94C § 33 / F
VANDALIZE CHURCH/SYNAGOGUE/CEMETERY	c.266 § 127A / F
VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG	c.266 § 98 / F
VIOLATE DOMESTIC PROTECTIVE ORDER	c.208 § 34C / M
VIOLATE STALKING LAW	c.265 § 43(a) / F
VIOLATION OF PROTECTIVE ORDER (209A)	c.209A § 7 / M
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	

Table C: Crimes that Result in Discretionary Disqualification

An individual will require written approval in accordance with the Department's procedures to be eligible to be a foster or pre-adoptive parent, if she/he or any household member (other than a child in Department care or custody placed with the family):

1. has been convicted of or has charges pending or a default for any crime listed in Table C below. Adjudicated delinquency charges will be treated the same as adult convictions; or
2. has been convicted of any crime or civil infraction, other than those listed in the Tables A or B above or in Table C below, the nature of which in the Department's judgment demonstrates a potential risk to Department clients or bears adversely upon the person's ability to assume the responsibilities of a foster/pre-adoptive parent, or has had 3 separate arraignments that led to convictions regardless of the nature of the offenses; or
3. has been identified as a defendant in a protective order, i.e., a "209A"; or
4. has been charged with any offense listed in Table A, B or C, which was dismissed after one or more of the following dispositions:
 - court costs or other fines, but not including victim witness fees, attorney fees or remittance, and/or
 - restitution or community service.

TABLE C	MGL / F(elony) M(isdemeanor)
A&B	c.265 § 13A / M
A&B ON PUBLIC SERVANT	c.265 § 13D / M
A&B ON POLICE OFFICER	c.265 § 13D / M
A&B OR ASSAULT ON CORRECTIONAL OFFICER	c.127 § 38B / M
ABANDON W/O SUPPORT OF SPOUSE, OR MINOR CHILD	c.273 § 1(1) / M
ABANDON M/V	c.90 § 22B / M
ACCOSTING	c.272 § 53 / F
ADULTERATION ALCOHOLIC BEVERAGE	c.138 § 16 / M
AFFRAY	c.272 § 53 / M
ALIEN IN POSSESS OF FIREARM	c.140 § 13H / M
ANNOYING PHONE CALLS	c.269 § 14A / M
ASSAULT	c.265 § 13A / M
ATTEMPT TO INJURE DEPOSITORY OF VALUABLES	c.266 § 16 / F
B&E, INTEND TO COMM MISDEMEANOR	c.266 § 16A / M
B&E RAILROAD CAR	c.266 § 19 / F
B&E RECOGNIZANCE VIOLATION	c.276 § 82A / M
BEING PRESENT WHERE HEROIN KEPT	c.94C § 35 / M
CIVIL RIGHTS VIOLATION, NO BODILY INJURY	c.265 § 37 / M
CREDIT CARD, LARCENY OF	c.266 § 37B / M
CRUELTY TO ANIMALS	c.272 § 77 / M
DISCHARGING FIREARM, 500FT	c.269 § 12E / M

TABLE C	MGL / F(elony) M(isdemeanor)
DISCHARGING WEAPON NEAR HIGHWAY/DWELL, HUN	c.131 § 58 / M
DISPENSE CONTROLLED SUBSTANCE, NOT REGISTERED	c.94C § 25 / M
DISTRIBUTE CONTROLLED, SUBSTAN W/O PRESCRIPTION	c.94C § 25(1) / M
ENGAGING IN SEX, PROSTITUTION, "JOHN"	c.272 § 53A / M
ENTER W/O BRK, TRUCK, INTEND COMM FELONY	c.266 § 20A / F
FAIL TO KEEP RECORDS ON CONTROLLED SUBSTANCE	c.94C § 15 / M
GAMING, IMPLEMENTS FOUND PRESENT, MANAGER	c.271 § 17 / M
GAMING, IMPLEMENTS FOUND PRESENT, OWNER	c.271 § 17 / M
HOUSE OF ILL FAME	c.272 § 24 / M
ILLEGAL POSSESS CLASS C SUBSTANCE	c.94C § 34 / M
ILLEGAL POSSESS CLASS D SUBSTANCE	c.94C § 34 / M
ILLEGAL POSSESS CLASS E SUBSTANCE	c.94C § 34 / M
INDECENT EXPOSURE	c.272 § 53 / M
LARCENY BY CHECK	c.266 § 37 / F
LARCENY MORE	c.266 § 30 / F
LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR	c.266 § 20 / F
LARCENY IN TRUCK/TRAILER	c.266 § 20B / F
LARCENY, M/V OR TRAILER	c.266 § 28 / F
LEAVE COMM W/O SUPPORT MINOR CHILD OUT OF WDLOCK	c.273 § 15 / M
LEAVE COMM W/O SUPPORT OF SPOUSE & MINOR CHILD	c.273 § 1 / M
LEAVE SCENE AFTER PERSONAL INJURY, M/V	c.90 § 24(2) (a1/2)(1) / M
LEWD & LASCIVIOUS SPEECH & BEHAVIOR	c.272 § 53 / M
LEWD & LASCIVIOUS COHABITATION	c. 272, § 16 / F
MALICIOUS DESTRUC, PERS/REAL PROP, OVER \$250	c.266 § 127 / F
MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE	c.94C § 32D(a) / M
MISUSE SEX OFFENDER REGISTRY	c. 6, § 178 /
NON-SUPPORT OF MINOR CHILD OUT OF WEDLOCK	c.273 § 15 / M
NON-SUPPORT OF MINOR CHILD(REN)	c.273 § 1 / M
OBSCENE TELEPHONE CALLS	c.269 § 14A / M
OBSTRUCT JUSTICE	c.268 § 34 / M
OPEN & GROSS LEWDNESS	c.272 § 16 / F
OPERATE M/V AFTER LICENSE REVOKED FOR DRUNK DRIVING	c.90 § 23 / M
OPERATE M/V UNDER INFLUENCE, DRUGS	c.90 § 24(1)(a)(1) / M
OPERATE M/V UNDER INFLUENCE, LIQUOR	c.90 § 24 / M

TABLE C	MGL / F(elony) M(isdemeanor)
POSSESS ALTERED FID CARD	c.140 § 131 / F
POSSESS COUNTERFEIT SUBS W/ INTENT DISTRIBUTE	c.94C § 32G / F
POSSESS DANGEROUS WEAPON UNLAWFULLY	c.269 § 10(b) / F
POSSESS HYPODERMIC SYRINGE OR NEEDLE	c.94C § 27 / M
POSSESS OBSCENE "PORNOGRAPHIC" MATERIAL	c.272 § 29 / F
PROCURE LIQUOR FOR MINOR	c.138 § 34 / M
PROSTITUTION	c.272 § 53A / M
RECEIVE STOLEN PROPERTY, OVER 250	c.266 § 60 / F
REFUSE TO PROVIDE A DNA SAMPLE	c. 22E, § 11C /
RIOT	c.269 § 1 / M
SELL/DELIVER ALCOHOLIC BEVERAGES PERSON UNDER 21	c.138 § 34 / M
SOLICITING PROSTITUTE	c.272 § 8 / F
SHOPLIFTING, 3 RD OR SUB OFFENSE	c.266 § 30A / M
SODOMY	c.272 § 34 / F
TAKING M/V W/O AUTHORITY, STEAL PARTS	c.266 § 28 / F
TELECOMMUNICATIONS FRAUD	c.166 § 42A / M
UNAUTHORIZED USE, CREDIT CARD, OVER \$250	c.266 § 37C / F
UNLAWFUL POSSESSION, SHOTGUN	c.140 § 129C / M
USE M/V, COMMISSION OF FELONY	c.90 § 24(2)(a) / F
UTTER FORGED INSTRUMENT	c.267 § 5 / F
VIOLATE SUPPORT ORDER	c.273 § 1 / M
VIOLATE SUPPORT ORDER, MINOR CHILD OUT OF WDLOCK	c.273 § 15 / M
WANTON DESTRUCTION, PERS/REAL PROPERTY	c.272 § 73 / M
WILLFULLY & MALICIOUSLY VANDALISM TO BUILDING	c. 266, § 127 / F
WILLFULLY & MALICIOUSLY BURN M/V	c.266 § 127 / F
WILLFULLY & MALICIOUSLY KILL BEAST	c.266 § 127 / F
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	

Table D: Criminal Charges that Result in Discretionary Disqualification

An individual will require written authorization in accordance with the Department's procedures to be eligible to be a foster or pre-adoptive parent, if she/he, or any household member (other than a child in Department care or custody placed with the family):

1. has been charged with any of the offenses specifically listed in Tables A, B or C, with the following dispositions:

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- dismissed,
 - continued without a finding,
 - pre-trial probation or pre-trial intervention
 - not guilty,
 - vacated,
 - filed,
 - not processed; or
2. has requested the issuance of a protective order, i.e., a "209A," as either the plaintiff or the victim.

Eligible to Apply/Prequalified

No approval is required if the CORI check finds that neither the prospective or current foster/pre-adoptive parent nor any household member has a disqualifying CORI finding.

FYI (For Your Information)

If the CORI check finds that the prospective or current foster/pre-adoptive parent or a member of her/his household has criminal history information that is not disqualifying, this information should be reviewed with the family and considered during decision-making.

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Appendix B

Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information

When the Central Office Background Record Check (BRC) Unit determines that background record check information obtained regarding the household members of a prospective or current foster/pre-adoptive family results in disqualification under one of the categories identified in the policy, the Unit notifies the requestors. If determined to be in the child's best interests, a review and approval of the home with disqualifying BRC information may be requested. Such approvals are conducted in accordance with the procedures specified in policy and the guidelines for documentation and decision-making factors to be considered, described below. (See Policy Section, IV. Procedures: Foster/Pre-Adoptive Family BRC Outcomes and Approvals, "A. Department History Information Outcomes and Approval Procedures" and "B. CORI Outcomes and Approval Procedures")

Guidelines Regarding Documentation to be Considered When Approving a Foster/Pre-Adoptive Family with Disqualifying BRC Information

Within 10 working days after receiving notification from the BRC Unit indicating disqualification, the Social Worker (or Family Resource Worker, as assigned) and/or the Supervisor, or the prospective or current foster/pre-adoptive family may submit a written request for review and approval despite the disqualifying BRC information. *[Please NOTE: A family/individual may have disqualifying information that is determined to be accurate but wish to challenge the relevancy of the information to the disqualification decision. In such a circumstance, the Social Worker (or Family Resource Worker, as assigned) and/or Supervisor assists the family/individual in completing a waiver request even if she/he does not agree that the family should be approved. The written statement prepared by the Social/Family Resource Worker and/or Supervisor will reflect her/his recommendation regarding the home.]* The request submitted on the family's behalf includes the following:

- **For all CORI, SORI and Department history waiver requests:** the printed CORI or SORI record, except if no CORI or SORI was found. *Please NOTE: The Area CORI Liaison will arrange for this to be added to the request.*
- **For all CORI, SORI and Department history requests:** a written statement from the recommending Social Worker and/or Supervisor that:
 - briefly identifies the CORI or SORI offenses and/or the Department history findings and describes the nature and circumstances under which they occurred;
 - if findings involved acts of violence, an offense against or involving a child, and/or substance abuse, explains how these circumstances will not affect the safety or well-being of any child placed with the family;
 - describes both the Social Worker's and the placement's perspectives on how safety and well-being of any child placed with the family will be maintained despite the CORI, SORI and/or Department history findings, including a description of what has been done to ameliorate past problems, what has been learned and why the person with the problem CORI, SORI does not pose an unacceptable risk of harm to any child who may be placed with the family;
 - for possible KINSHIP or CHILD-SPECIFIC placement(s), describes:
 - the child(ren)'s relationship(s) with the prospective KINSHIP or CHILD-SPECIFIC family *(for an emergency KINSHIP placement, the statement is REQUIRED to specify the relationship between the child and the prospective KINSHIP family);*

- when age appropriate, the child(ren)'s perspective(s) on the relationship(s) between the child(ren) and the prospective KINSHIP or CHILD-SPECIFIC family;
 - why placement with this family is in the best interests of the child(ren) to be placed, considering specifically each child's permanency plan goal;
 - for a BRC request being submitted during an Annual Reassessment, License Renewal Study or Limited Reassessment, describes the quality and duration of care the family has provided to placed children.
- **For all CORI, SORI and Department history approval requests:** a copy of the most recently completed Family Resource Assessment/License Study, Annual Reassessment, License Renewal Study or Limited Reassessment, when applicable;
- **For all CORI or SORI approval requests:** a written statement from the individual/household member with the disqualifying CORI or SORI that demonstrates what was done to ameliorate the problem(s), e.g., treatment, support groups, etc.
- **For all Category I approval requests and other approval requests as available:** a copy of clinical review team results.
- **As available:** relevant treatment and rehabilitation documentation such as:
 - drug screen results,
 - verification of participation in or completion of treatment (e.g., Alcoholics Anonymous, Narcotics Anonymous),
 - verification of participation in or completion of training,
 - employer references,
 - therapist or medical statements, and/or
 - descriptions of any treatment or training which will be undertaken with verification that arrangements have been made;
- **As available:** any other supportive documentation such as:
 - signed agreements pertaining to requirements that certain individuals leave the home; the supervision of children in the home; and/or excluding certain individuals from acting as caretakers;
 - verification of household member's change of address;
 - probation/parole reports,
 - police reports/information or copy of police report request (REQUIRED for review of Table B or C misdemeanors when obtainable within the standard decision-making time frame),
 - prosecutor report/information,
 - court report/information (including affidavits of plaintiffs when a 209A petition is involved), and/or
 - information from other criminal justice official(s).
- **For an EMERGENCY Table A CORI or SORI approval request to place a child with a current or prospective KINSHIP family:** a written statement from the individual or household member with the disqualifying CORI that she/he agrees to an assessment by a qualified mental health professional within 30 calendar days after the date of placement; **OR**

For a NON-EMERGENCY Table A CORI or SORI approval request to place a child with a current or prospective family: a written statement from the individual/household member's criminal justice official or an assessment (paid for by the Department) from a qualified mental health professional stating that the individual/household member does not pose an unacceptable risk of harm to child(ren) placed in the home. (See related definitions in Regulation 110 CMR 18.04)

Factors to Consider in Decision-Making When BRC Checks Result in Disqualification

In any of the above circumstances, the Department follows the procedures specified in policy and considers the following factors at a minimum to determine whether the BRC finding has a substantial effect on the prospective or current foster/pre-adoptive parent's ability to assume and carry out the responsibilities of a foster/pre-adoptive parent in a manner that maintains the rights of the child(ren) who may be placed with them to safety, well-being and permanence and is in each child's best interests:

- the time that has elapsed between the date of the offense and/or disqualifying Department history and the date of the Initial Eligibility Screening, License Study, Annual or Limited Reassessment or License Renewal Study;
- the seriousness and specific circumstances of the offense and/or disqualifying Department history;
- the number and nature of other offenses;
- the age of the household member at the time of the offense and/or disqualifying Department history;
- the findings and recommendations of the Social Worker/Family Resource Worker who has reviewed the facts surrounding the disqualifying offense/Department history;
- the recommendations of any references received by the Department on behalf of the family/individual;
- the current and future needs of the child to be placed and the probable effect that the disqualifying offense/Department history would have on the foster/pre-adoptive parent's ability to meet those needs;
- any reports or recommendations provided to the Department by the prospective or current foster/pre-adoptive family or requested by the Department on the family's behalf from the offender's parole or probation officer (if assigned), treating professional and/or other knowledgeable source, including police, courts and prosecuting attorneys;
- a copy of the police report pertaining to the offense, information from a police officer familiar with the facts surrounding the offense or a copy of the police report request (*REQUIRED for review of Table B or C misdemeanor when obtainable within the standard decision-making time frame*);
- discussions with the child to be placed regarding her/his current and past relationship with the prospective or current foster/pre-adoptive parent;
- the relationship of the background information to the situation of being a caretaker or household member in a Department foster/pre-adoptive family;
- the degree of satisfaction in meeting any conditions or parole or probation;
- any relevant evidence of rehabilitation or lack thereof;
- the length of any previous experience providing foster/pre-adoptive care;
- the quality of care provided previously to foster/pre-adoptive children (as relevant);
- evidence that the household member with problematic background check information has moved out;
- and/or the best interests of the particular child(ren) whose initial or continued placement with the prospective or current family resource is being considered.

When the decision involves review of a Table A CORI or SORI information regarding a prospective emergency KINSHIP placement, the Deputy Commissioner for Field Operations, General Counsel and Commissioner must find by clear and convincing evidence that:

1. The foster/pre-adoptive parent, or any household member, does not pose a risk of harm to the child, based on the existence of the criminal conviction;
2. The conviction did not involve a crime against a child or involving a child;
3. The foster/pre-adoptive parent has a pre-existing relationship and bond with the child;
4. The household member who committed the offense agrees to submit to an assessment by a qualified mental health professional prior to, or within 30 calendar days after, placement of the child; AND

5. After full consideration of the factors related to the criminal conviction, it remains in the best interests of the child to be placed with the foster/pre-adoptive family.

Outcomes and Notifications

The Department staff with final decision-making authority as specified in policy and above arranges for her/his decision to be documented in the family's record and in the child's record, when applicable, and for the family and the assigned Social Worker to be informed, in writing, of the outcome, the reasons for it and any specific stipulations.

Approval Requests for Subsequent BRC Findings

If a subsequent BRC (e.g., one completed during an Annual or Limited Reassessment or License Renewal Study) finds the same information for which a request has previously been reviewed and approved and it is determined that the circumstances of the family have not changed, the home can be re-approved with or without stipulations, as applicable based on the previous submission. To initiate the process, the Family Resource Worker completes a written request to the appropriate approver at the Area/Regional or Central Office (as applicable), requesting the approval and certifying that the family's circumstances are unchanged. If a subsequent BRC reveals any new charges for a household member or frequent visitor, a new BRC approval request must be submitted through the process described above.

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Appendix C

Guidelines for Secure Management of CORI and SORI Data

To protect the confidentiality rights of individuals, the Department of Criminal Justice Information Services (DCJIS) exercises strict control over the CORI and SORI data it releases, including the information obtained as a result of the fingerprint based checks of the national crime data bases. The Department has agreed not to copy CORI or SORI data into its records, not to photocopy CORI or SORI records except for in-person release to the verified adult CORI or SORI subject or parent/guardian of the CORI or SORI subject under age 18, and to maintain the security of printed CORI and SORI records. CORI and SORI data may only be summarized in records by indicating the category of the findings obtained and the number and age of each. The following provides additional guidance for maintaining the security of CORI and SORI data.

A. CORI Liaisons

Directors of Areas identify one member of the Area Office's management team to serve as the Area Office Liaison to the Regional Office and to the Department's Central Office Background Record Check (BRC) Unit. The Area Office CORI Liaison provides the background record check information to the appropriate clinical staff who summarizes it in the relevant case and/or foster/pre-adoptive family record. The CORI Liaison is responsible for arranging for all printed CORI records received by the Area Office to be stored in a secure locked cabinet separate from case and foster/pre-adoptive family records or in the secure Electronic Document Management (EDM) system.

Regional Directors and Central Office Directors, where applicable, identify a Regional/Central Office CORI Liaison to assist staff in Area, Regional and Central Offices and contracted casework agencies in accessing, interpreting and making decisions based on background record check information. The Regional/Central Office CORI Liaison is also responsible for arranging for all printed CORI records received by the Regional/Central Office to be stored in a secure locked cabinet separate from case and foster/pre-adoptive family records or in the secure EDM system.

When a clinical case or a family resource record is transferred from one office to another, the printed CORI and SORI records should be transferred from the sending CORI Liaison to the receiving CORI Liaison.

B. Sharing CORI and SORI Data

Information learned from a CORI or SORI check may be useful in assisting Social Workers and Supervisors in assessing a foster care or adoption applicant and/or evaluating the risk which may exist for a child in a particular family setting. However, CORI and SORI data is highly personal and confidential information which should be shared only with those individuals who have a need to know.

A photocopy of the printed CORI record can be released only to the CORI subject age 18 years or older, upon submission of positive proof of identification, such as a driver's license or passport with photograph. When the CORI subject is under age 18, a photocopy of the printed CORI record can be released to her/his parent/guardian, upon submission of positive proof of identification and suitable documentation of the parent/guardian's relationship to the child. The individual receiving the printed CORI record is asked to

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sign a release indicating that she/he received it and the date. The Department staff who releases the printed CORI record photocopies the positive proof of identification submitted, files that photocopy and the receipt along with the printed CORI record and arranges for these steps to be documented in dictation.

The sharing of CORI data is carried out with regard for the individual's privacy and in accordance with the guidelines specified below.

Department Staff Person	With Whom?	Re:	Ability to Share
Area Office CORI Liaison Regional Office CORI Liaison Central Office CORI Liaison	Director of Areas/Regional Director/Designee Central Office Director/Designee Other Department Staff	Any CORI Subject	Can share full detail of CORI data (in writing and verbally).
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/Director	CORI Subject	CORI Subject	Can share full detail of CORI data (in writing and verbally) with the individual who is the subject of the CORI data, regardless of her/his age.
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/ Director	Prospective Foster/Pre-Adoptive Parent	Spouse or Household Member Age 18+ CORI Subject of Any Age	Can share full detail regarding the CORI subject who is a spouse or another adult (age 18 years or older) household member only with a signed authorization for release of the information from the CORI subject. Without signed authorization, can verbally inform (without referencing specific CORI data) that the reason a particular action is being taken is because of information learned about the CORI subject.

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Department Staff Person	With Whom?	Re:	Ability to Share
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/ Director	Prospective Foster/Pre-Adoptive Parent	Household Member CORI Subject under Age 18	<p>Can share full detail regarding the CORI subject who is a household member under age 18 years only with a signed authorization for release of the information from the child's parent or legal guardian. <i>[Contact Legal staff if parent/guardian is not available.]</i></p> <p>Without a signed release of information authorization, can verbally inform (without referencing specific CORI data) the prospective foster/pre-adoptive parent that the reason a particular action is being taken is because of information learned about the CORI subject.</p>
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/ Director	Prospective Foster/Pre-Adoptive Parent	CORI Subject who is Child under Age 18 in Department Care or Custody being Considered for Placement	<p>Can share full detail regarding the CORI subject who is a child under age 18 in Department care or custody who is being considered for placement, only with a signed authorization for release of the information from the child's parent or legal guardian. <i>[Contact Legal staff if parent/guardian is not available.]</i></p> <p>Without a signed release of information authorization, can verbally inform (without referencing specific CORI data) the prospective or current foster/pre-adoptive parent of information learned about the CORI subject.</p>

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Department Staff Person	With Whom?	Re:	Ability to Share
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/APM	Current Foster/Pre- Adoptive Parent or Other Substitute Care Provider or Caretaker (e.g., residential care or child care provider)	Spouse or Household Member CORI Subject of Any Age	See guidance above for "Prospective Foster/Pre- Adoptive Parent"
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/APM	Current Foster/Pre- Adoptive Parent or Other Substitute Care Provider or Caretaker (e.g., residential care or child care provider)	CORI Subject under Age 18 who is in Department Care or Custody	Can verbally share with the child's caretaker only the information the caretaker needs to know to protect the child or other individuals residing in the home, as determined by the Social Worker and Supervisor. Can share full detail regarding the CORI subject who is a child under age 18 years who is in Department care or custody only with a signed authorization for release of the information from the child's parent or legal guardian. [Contact Legal staff if parent/guardian is not available.]
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/APM	Parent/Legal Guardian of CORI Subject under Age 18	CORI Subject under Age 18	No signed authorization to release information is necessary from a CORI subject, who is a child younger than age 18 years, to share full detail of CORI data with the child's parent or legal guardian.
Child's SW/Supervisor/APM Family Resource Worker/ Supervisor/APM Adoption or Recruitment SW/Supervisor/Director	Collateral Contact	CORI Subject (Adult Age 18±; Child under Age 18)	Can verbally share CORI information with a collateral contact only with a signed release of information from the adult CORI subject or from the parent or legal guardian of a CORI subject who is a child under age 18 years. [Contact Legal staff if parent/guardian is not available.]

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Appendix D

BRC Request and Approval Procedures for Contracted Foster/Pre-Adoptive Families

A. Requesting Background Record Checks

Foster/pre-adoptive families licensed for placement of children in Department care or custody by contracted providers must meet the same standards for eligibility to apply as those licensed by the Department. To determine whether the family meets the Department's standards regarding Department history and criminal conduct, the contracted provider must obtain background record check (BRC) findings—including Department and out-of-state child welfare history and Massachusetts and nationwide fingerprint-based Criminal Offense Record Information (CORI) and SORI—from the Department. (See *Policy #2006-01, Family Resource Policy*). Providers may identify other circumstances when BRCs are recommended or required. (See *Policy #86-014, Background Records Check Policy*) The procedures contracted providers follow to obtain BRC information are summarized below.

1. **Submitting Request for BRC:** Contracted providers with direct FamilyNet/i-Familynet access submit the request online. Contracted providers that do not have direct FamilyNet/i-Familynet access arrange with the Department to establish procedures for submitting BRC requests.
2. **Obtaining BRC Findings.** Contracted providers with direct FamilyNet access obtain information online regarding the Department's BRC Unit's outcome for each household member and the family as a unit based on Department history, CORI and SORI findings.

NOTE: Whether or not the contracted provider with direct FamilyNet access is permitted to review the detail of an individual's Department history outcome is subject to the terms of the provider's contract with the Department.

Contracted providers that do not have direct FamilyNet access obtain information from the designated Department individual, by email, telephone and/or in person, regarding the BRC Unit's outcome for each household member or frequent visitor and the family as a unit based on Department history and CORI findings.

NOTE: For both contracted providers with FamilyNet access and those without, the printed CORI record remains with the designated Department CORI Liaison who arranges for it to be stored in a secure locked location separate from case and foster/pre-adoptive family records or in the secure Electronic Document Management (EDM) system.

The designated Regional or Central Office staff provides to the contracted provider sufficient information regarding the details of the household members' individual and family BRC findings for the contracted provider to determine whether the family meets the Department's standards for eligibility to apply. The contracted provider notifies the family/individual, in writing, when the BRC findings indicate that the family/individual is disqualified, including information about their right to challenge the accuracy of the findings and/or the relevance of the findings to the disqualification decision. The contracted provider shares the information obtained with the family/individual in accordance with *Regulation 110 CMR 12.00 and 18.00* and Appendix C, "Guidelines for Secure Management of CORI Data." Jointly, the provider and family/individual determine whether to request a review and approval when the BRC findings indicate disqualification. A family wishing to seek a review and approval

without the provider's support may do so; the provider includes its recommendations and the reasons for them in the written statement it provides to the Department with the review and approval request.

B. Submitting a BRC Review and Approval Request

The information that must be submitted for review and decision in support of a request for an approval of a foster/pre-adoptive family with disqualifying BRC information is the same for a foster/pre-adoptive family/individual licensed by a contracted provider as for a Department licensed family/individual. (See Appendix B, "Documentation and Criteria for Approving Foster/Pre-Adoptive Families with Disqualifying BRC Information") The procedures to be followed in submitting the request are as follows:

1. **What is Submitted/To Whom.** Contracted provider submits the completed Background Record Check Approval Request (BRC-1) form and supporting documentation (excluding the printed CORI or SORI records for household members or frequent visitors) to the designated individual in the Department's Central or Regional Office, as applicable to the type of contract.
2. **Review for Completion/Obtaining the Printed CORI Record.** The designated individual in the Department's Central or Regional Office (as applicable) reviews the submission for completion, arranges for the printed CORI records for household members or frequent visitors who have disqualifying findings to be added to the packet of materials for review and forwards the packet to the appropriate first level reviewer.
3. **Review Authority/Outcome Notification.** The Department requires an approval be obtained when a household member of a potential or existing contracted foster/pre-adoptive family/individual has any of the following types of findings:
 - Table A CORI findings
 - Table B CORI findings
 - Table C CORI findings
 - Table D CORI findings
 - Category I Department History Exception findings
 - Category II Department History findings
 - Category III Department History findings
 - FYI findings

All approval requests are submitted to the appropriate first level reviewer for contracted provider agency requests as follows:

Contracted Foster Care: Director of Foster Care Support Services/designee

Contracted Adoption: Director of Adoption Support Services/designee

First level reviewers have final authority to approve all but:

- Category I Department History Exception findings waiver requests which require approval by the Assistant Commissioner over foster care and adoption or the Commissioner; and
- Table A CORI finding approval requests.

The Department's Deputy Commissioner for Field Operations, General Counsel and Commissioner must review/approve requests with Table A CORI or SORI findings and Category I findings involving a parent/household member, who has a disability that prevents her/him from being able to parent her/his child and who has a Department open case.

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Revised: 2/3/2015

The Department's Assistant Commissioner over foster care and adoption must review/approve requests to approve a home with a Category I Department History finding of a circumstance other than those specified in the policy.

If more than 30 calendar days have passed since the original BRC request was completed, the first level Central or Regional Office reviewer/designee (as applicable) submits a follow-up BRC request to determine that the findings remain unchanged. If the BRC request identifies additional findings that are not addressed in the approval request, the first level Central or Regional Office reviewer/designee (as applicable) contacts the contracted provider to determine what will be done regarding those findings.

The first level reviewer/designee arranges for the contracted provider to be notified of the review outcome, by telephone and in writing. The contracted provider notifies the family of the outcome, in writing.

4. **Approval Requests for Subsequent BRC Findings:** If a subsequent BRC (e.g., one completed during an Annual or Limited Reassessment or License Renewal Study) finds the same information for which a request has previously been reviewed and approved and it is determined that the circumstances of the family have not changed, the contracted family resource worker may request approval for the family based on the information in the previously approved request packet. To do this, she/he submits a written request to the Director of the Contracted Provider, requesting the approval and certifying that the family's circumstances are unchanged. If a subsequent BRC reveals any new charges for a household member or frequent visitor, a new BRC Review and Approval request must be submitted in accordance with this policy, including review and approval by the designated Central or Regional Office reviewer/designee (as applicable).